FW

Docket No. CRD5046USNP0

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Donald Jones et al.

Serial No.: 10/738,477 Art Unit: 3763

Filed: December 17, 2003 Examiner: N.D. Lucchesi

For : Activatable Bioactive Implantable Medical Device

and Method of Use

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

May 25, 2006 (Date of Deposit)

Henry W. Collins
(Name of applicant, assignee, or Registered Representative)

May 25, 2006

(Date of Signature)

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

THIRD SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Dear Sir:

This copy is supplemental to the Information Disclosure Statement mailed on October 14, 2005.

Pursuant to 37 C.F.R. §1.56 and in accordance with 37 C.F.R. §\$1.97-1.98, information relating to the above-identified application is hereby disclosed. Inclusion of information in this statement is not to be construed as an admission that this information is material as that term is defined in 37 C.F.R. §1.56(b).

Applicant(s) reserve(s) the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this

information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist.

 \boxtimes In accordance with §1.97(b), since this Information Disclosure Statement is being filed either within three months of the filing date of the above-identified national application (other than a continued prosecution application under \$1.53(d)), within three months of the date of entry into the national stage of the above identified application as set forth in §1.491, or before the mailing date of a first Office Action on the merits of the above-identified application, or before the mailing date of a first Office Action after the filing of a request for continued examination under §1.114, no additional fee is required. In accordance with §1.129(a), this Information Disclosure Statement is being filed in connection with \(\square\$ the first or second After Final Submission, therefore: Statement in Accordance with §1.97(e) (attached); or П Please charge Deposit Account No. 10the fee of \$180.00 as set forth in \$1.17(p). In accordance with §1.97(c), this Information Disclosure Statement is being filed after the period set forth in \$1.97(b) above but before the mailing date of either a Final Action under §1.113 or a Notice of Allowance under §1.311, or an action that otherwise closes prosecution and that it is accompanied by one of:

	Statement in Accordance with §1.97(e)
	(attached); or
	Please charge Deposit Account No. 10-
	0750/ / the fee of $$180.00$ as set forth
	in §1.17(p).
Disclosure S either a Fin under §1.31 Applicant(s)	a accordance with \$1.97(d), this Information tatement is being filed after the mailing date of al Action under \$1.113 or a Notice of Allowance 1 but before the payment of the Issue Fee. hereby petition(s) for consideration of this Disclosure Statement. Included are: Statement in
	rith §1.97(e) as set forth below and the fee of
	et forth in \$1.17(p).
4100.00 as s	ce foreit in gr.17(p).
	m PTO-1449 are enclosed herewith.
_	opies of references listed on the attached Form PTO closed herewith EXCEPT THAT:
. 🗆	In view of the voluminous nature of references [list as appropriate], and the likelihood that these references are available to the Examiner, copies are not enclosed herewith.
	If any of the foregoing publications are not available to the Examiner, Applicant will endeavor to supply copies at the Examiner's request.
	opies of only foreign patent documents and non- ature are enclosed in accordance with 37 CFR 1.98

$oxed{\boxtimes}$ There are no listed references which are not in the English language.
The relevance of those listed references which are not in the English language is as follows:
Attached are copies of search report(s) from corresponding patent application(s), which are listed on the attached Submission Under MPEP 609 D.
Attached are the following non-published pending patent applications which may be deemed relevant, which are listed on the attached Submission Under MPEP 609 D.

Please charge any deficiency or credit any overpayment to Deposit Account No. 10-0750/CRD5046USNPO/HWC. This form is submitted in triplicate.

Respectfully submitted,

Menry W. Collins Reg. No. 25,039

Attorney for Applicants

Johnson & Johnson One Johnson & Johnson Plaza New Brunswick, NJ 08933-7003 (786) 313-2707 DATED: May 25, 2006

PTO/SB/08A (08-00)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Substitute for form 1449A/PTO

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)
Sheet 1 of 1

10/738,477			
December 17, 2003			
Donald Jones, et al.			
3763			
N.D. Lucchesi			
CRD 5046USNP0			

U.S. PATENT DOCUMENTS U.S. Patent Document Date of Publication Pages, Columns, Lines, Name of Patentee or Applicant Kind Code Examiner Cite of Cited Document where relevant passages or of Cited Document Initials relevant figures appear (if known) Number No.1 mm-dd-yyyy 2003/0093097 **A1** Avellanet et al. 05-15-2003

Foreign Patent Document Date of Publication Pages, Columns, Lines, of Cited Document where relevant Name of Patentee or Examiner Cite passages or relevant mm-dd-yyyy Applicant of Cited Document figures appear Initials KindCode⁵ Office³ Number⁴ No.1

FOREIGN PATENT DOCUMENTS

Examiner	·	Date	,
Signature		Considered	

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U. S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS, SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

^{*}EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Unique citation designation number. 2 See attached Kinds of U.S. Patent Documents. 3 Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). 4 For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. 5 Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. 6 Applicant is to place a check mark here if English language Translation is attached.